REMARKS

112, first paragraph rejection

The Examiner has rejected claims 46-60, 63 and 64 under 35 USC 112, first paragraph as allegedly not being enabled without undue experimentation. The Applicants respectfully disagree.

With reference to independent claim 46, R_1-R_{11}, R_{13} and Y_1-Y_4 are each independently defined as comprising groups that are capable of acting as a linking group or moieties that are substituted by linking groups. Therefore, the Applicants submit that based on the clear definition of substituents R_1-R_{11}, R_{13} and Y_1-Y_4 in claim 46 and throughout the specification, one of ordinary skill would readily appreciate that each of R_1-R_{11}, R_{13} and Y_1-Y_4 can encompass linking groups and that the linkage sites of L to D are clearly defined.

Furthermore, the Applicants submit that the specification provides ample guidance for the person of ordinary skill in the art to make the compounds of the present claims. By clearly defining each of the positions R_1-R_{11}, R_{13} and Y_1-Y_4 as encompassing linking groups and by teaching synthesis methods to make a broad range of compounds in accordance with the claims, the Applicants have provided sufficient guidance one of skill in the art would need to make compounds in accordance with the claims without undue experimentation.

For example, Scheme 1 at page 35 and the corresponding text at pages 34 and 35 of the Applicants' specification provides a first synthetic approach for producing symmetric compounds of the claimed invention from synthons designated 1, 2 and 3. A second synthetic approach, for producing symmetric or asymmetric compounds of the invention, is provided at Schemes 2a and 2b and corresponding text (pp. 35-37). Scheme 3 provides yet a third synthetic approach for producing symmetric or asymmetric compounds. Further guidance for preparing intermediates in these methods is provided in the specification, e.g., at pages 41 to 54.

As noted by the Federal Circuit in Johns Hopkins Univ. v. CellPro, Inc.,

> [t]he test is not merely quantitative, since a considerable amount of experimentation is permissible, if it is merely routine, or if the specification in question provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed to enable the determination of how to practice a desired embodiment if the invention claimed. *Johns Hopkins Univ. v. CellPro, Inc.*, 152 F.3d 1342, 47 U.S.P.Q.2d 1705 (Fed. Cir. 1998).

The Applicants submit that the specification provides ample guidance to enable one of skill in the art to make the compounds of the present claims without undue experimentation. Accordingly, withdrawal of the rejection is respectfully requested.

112, second paragraph rejection:

The Examiner has rejected claims 50 and 53 under 35 USC 112, second paragraph, as allegedly being indefinite.

The Applicants submit that based on the teachings in the specification that the meaning of "linking group" would be clear to one of ordinary skill in the art, and that one of skill in the art would readily appreciate the relationship between "L" as defined in claim 46 and in the specification, and "linking group" as defined in the specification. Specifically, the Applicants submit that the relationship between "linking group" and "linkage" is clearly defined at page 13, line 16 of the specification. Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicants submit that the application is in condition for allowance. Early notice of allowance is requested.

A Request for Continued Examination and a Petition for a 1-Month Extension of Time are enclosed herewith. If any additional time extensions are required, such time extensions are hereby requested. If any additional fees not submitted with this response are required, please take such fees from Applied Biosystems Deposit Account No. **01-2213 (Order No. 4446D1)**.

Respectfully submitted,

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